

Jessie Con-Ui The Case for Life

United States District Court
Hon. A. Richard Caputo, U.S.D.J.
Scranton, Pennsylvania
July 6, 2017

The case for Jessie's life is not about

- Excuse
- Blaming others
- Justification
- Explanation
- Causation or connection

Decision-making

- Never required to impose a sentence of death
- Unique individual moral decision
- Can agree to disagree
- Temper justice with mercy

12 votes for death = death

1 vote for life = life

This is a case about life or death

The power of life or death

A unique, individualized personal moral judgment
about the appropriateness of sentencing another
human being to death

Promises made—Respect

84. Each juror ultimately makes a unique individual moral judgment about the life or death sentencing decision. If you serve as a juror in this case, will you respect the right of each juror to arrive at an individual decision regarding punishment, even if you disagree with the decision reached by the other juror?

☒ Yes ☐ No

Please explain: _____

85. Will you ensure that every juror is treated with respect and dignity and is not intimidated, coerced, or bullied about a vote one way or another on the ultimate punishment decision, even if you or other jurors disagree?

☒ Yes ☐ No

Please explain: _____

86. If after evaluating all the evidence and deliberating with fellow jurors you come to a personal and reasoned moral decision about the appropriate sentence (either life in prison without the possibility of release or death), will you be able to stand by your decision even if one or more of your fellow jurors may disagree with your personal decision about the appropriate penalty?

☒ Yes ☐ No

Please explain: _____

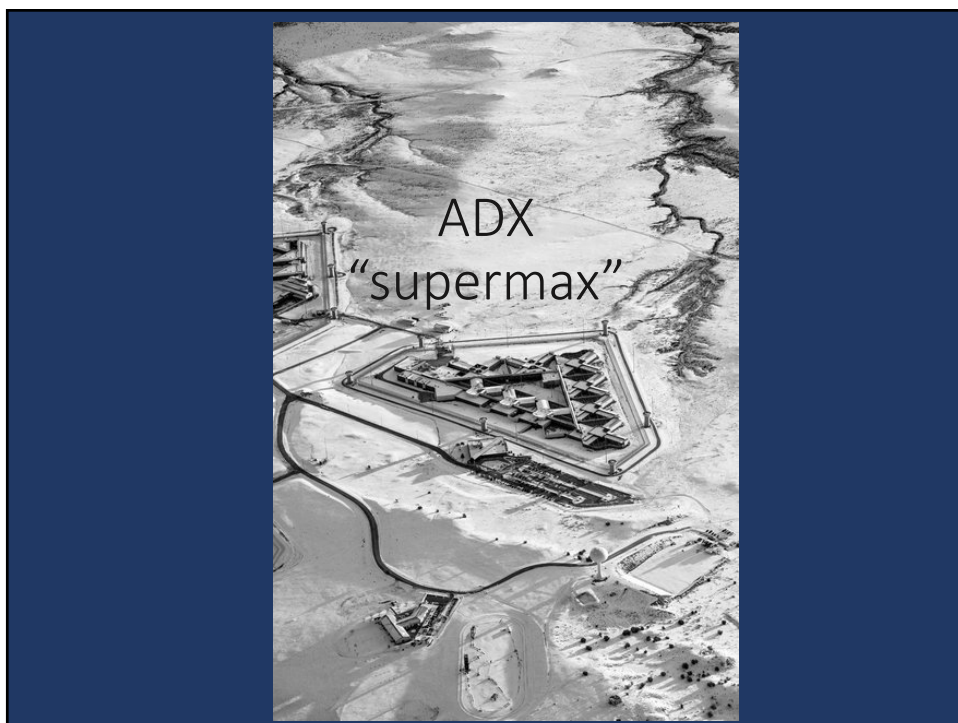
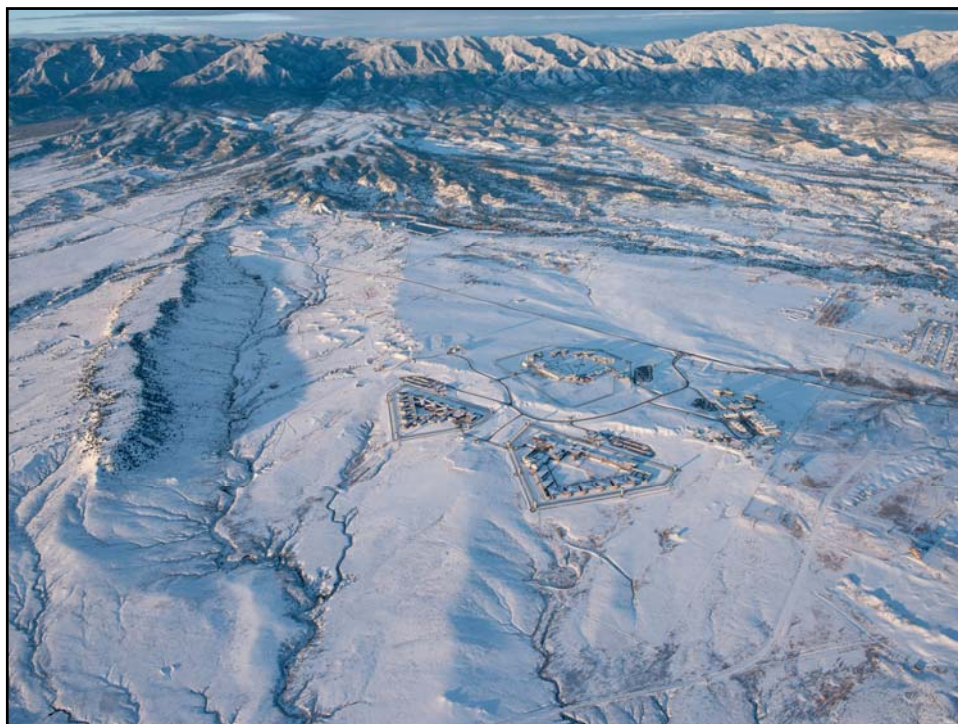
A case for life

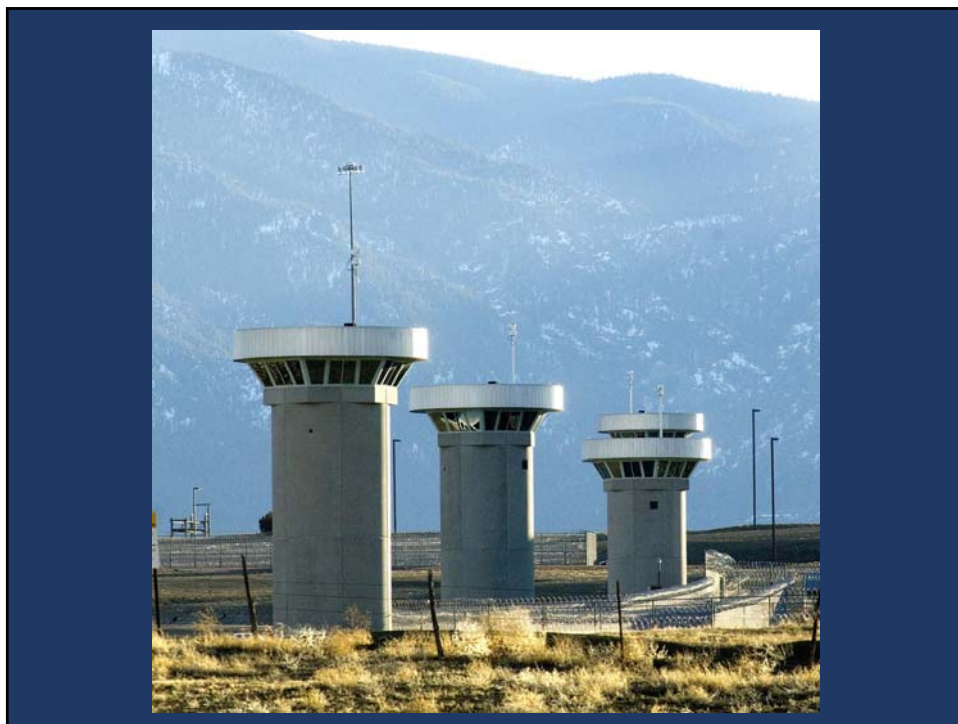
- Punishment
 - Isolation
 - Increased punishment
 - A life of concrete and steel
- Remorse and acceptance of responsibility
- Risk factors
- Two decades of incarceration
- Family love

Concrete and Steel

Canaan







Inside ADX—
Entrance to Range 13



Jessie's cell—looking in (80 sq. ft.)



Jessie's cell—looking out

Remotely operated
door to "law library"



Remotely operated
door to outdoor rec

ADX Range 13



Range 13 outdoor recreation



Increased punishment—not a “free crime”

Release status on February 24, 2013

- June 3, 2003—Arrested on federal narcotics conspiracy; in custody ever since
- 2005—Pleads guilty and is sentenced to 11+ years in federal court for narcotics conspiracy
- 2008—Pleads guilty to murder of Carlos Garcia and is sentenced to life with parole eligibility at 25 years concurrent to federal sentence, 1000 days credit
- September 17, 2013—“Max out” date on federal sentence (would be turned over to State of Arizona)
- 2031—Parole eligible in Arizona, age 54

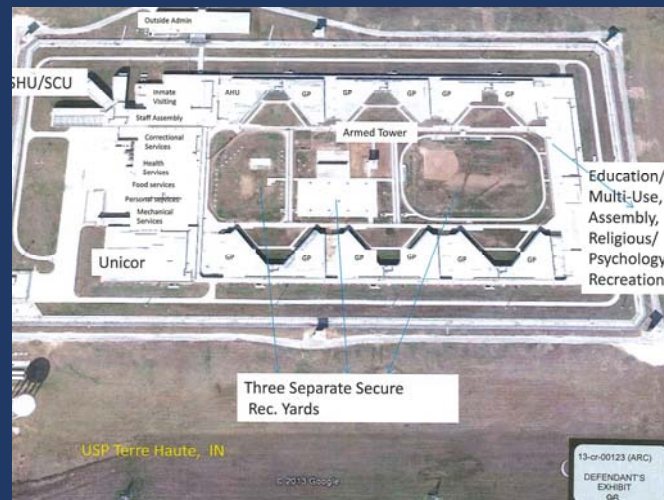
Release status as of June 7, 2017 (date of jury's verdict)

- Guilty count one—
 - mandatory lifetime incarceration with no possibility of release
- Guilty count two—
 - Mandatory lifetime incarceration with no possibility of release
- No hope of release

General population unit in a United States Penitentiary



Typical Footprint United States Penitentiary



Restricted conditions of confinement

General population

- Socialize
- Work
- 300 mins. phone calls
- Group recreation
- Group meals
- Group religious services
- Contact visitation

Isolation

- Solitary confinement
- Can't work
- 2 phone calls per month
- Recreation alone
- Alone in cell 24/7
- TV
- Through glass over phone

“General population” conditions at ADX



- 22/24 M-Fri; 24/24 weekend
- Meals in cell
- Showers in cell
- Recreation alone
- Outer sallyport
- Escorted in chains
- COs with pepper spray and rapid rotation batons
- Two 15-minute calls per month

Until he dies

Because he murdered a corrections officer, Jessie Con-Ui will never return to general population.

Warden Oliver on Long Term Isolation

- 14 Q. I'm going to throw a term out to you, Mr. Oliver, that's
 15 been used in this case, and I want to you about it. The term
 16 is long-term isolation. Does that even exist in the ADX world?
 17 A. **No, sir, it does not.**
 18 Q. All right. I am going to throw out another term, solitary
 19 confinement. Does that exist in the ADX world?
 20 A. **No, sir. It does not.**

"Long term isolation case . . ." Defense Exhibit 184

PERSONAL PROFILE OF INMATE
 NAME: SILVERSTEIN, THOMAS EDWARD
 DOB: 11-14-1951
 SEX: M
 RACE: W
 ETHNICITY: W
 RELIGION: C
 MARITAL STATUS: S
 EDUCATION: HS
 OCCUPATION: N/A
 INTERESTS: N/A
 COMMENTS: Long term isolation

Thomas Edward Silverstein

OK for general population:
 Yes ___ No X

"Long term isolation case."

Warden John Oliver

Q: Do you ever see yourself actually recommending an inmate who murdered a federal correctional officer should be placed back in general population, really?

A: I believe that if we give the inmate the opportunity to program through these—these programs that we have set up, we will program—give them the opportunity to program out of the units.

Factors to be considered— 13 factors

- Reason inmate at ADX in the first place
- Inmate's criminal history
- Safety and security of the institution

Warden Bezy on step-down program

9 Q. And Mr. Feitel questioned you about the step down unit.
 10 Do you remember that?
 11 A. **Yes, I do.**
 12 Q. Does Mr. Con-Ui meet any criteria for the step down
 13 program?
 14 A. **He would probably meet a third of it, but he would fail**
 15 **the majority of it. I have the 13 right here.**
 16 Q. In your opinion to a reasonable degree of professional
 17 certainty, do you believe the Bureau of Prisons in light of how
 18 they have treated those who killed guards since 1987 would ever
 19 consider Jessie Con-Ui as a candidate for the step down program
 20 at ADX?
 21 A. **No.**

Warden Bezy:

24 Q. Of the inmates who killed correctional officers after the
 25 abolition of parole in 1987, were any placed in a USP with the
 126
 1 privileges, opportunities for social contact and recreation
 2 that Jessie Con-Ui experienced at USP Canaan before he killed
 3 Eric Williams?
 4 A. **No.**
 5 Q. Do you have an opinion to a reasonable degree of
 6 professional certainty based upon your experience with the BOP,
 7 your knowledge of other cases where inmates have killed
 8 correctional officers since 1987 whether Jessie Con-Ui will
 9 ever be housed at a USP like USP Canaan should he be sentenced
 10 to life imprisonment without the possibility of release?
 11 A. **No.**
 12 Q. Do you have an opinion?
 13 A. **Yes, he would not.**

Warden Bezy on long term isolation

14 Q. Do you have an opinion to a reasonable degree of
15 professional certainty based upon your experience with the BOP,
16 your knowledge of other cases where inmates have killed
17 correctional officers since 1987 where the Bureau of Prisons
18 would house Jessie Con-Ui and under what conditions should he
19 be sentenced to life imprisonment without the possibility of
20 release for the murder of Eric Williams? Do you have an
21 opinion?
22 A. **Yes, I do.**
23 Q. What is that opinion?
24 A. **He would be housed at the ADX in long-term isolation.**

Will never return to a general population setting

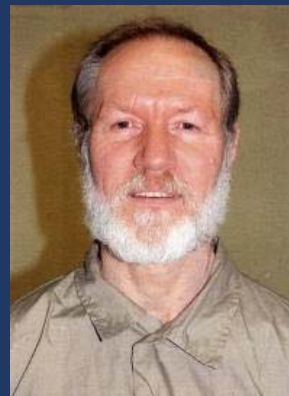
Tommy Silverstein:

1983-present (34 years)

Battle: 1994 to present
(23 years)

Green: 1997 to present
(20 years)

Sablan and Guerrero:
2008 to present (9 years)



Remorse and acceptance of responsibility

Remorse

- Willing to plead guilty
- Did not challenge the evidence
- Remorse and shame expressed to others
- Remorse and shame expressed to you, the jury
- Respectful in court
- Chaplain Ngozi Osuji—February 27, 2013 @ USP/Allenwood
- Correctional Officer Timothy Milheim

Willing to
plead guilty

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. :
JESSIE CON-UI. : No. 3:13-cr-00123
Defendant. :

STIPULATION

The following is hereby stipulated and agreed to by the parties:

In two court filings dated October 6, 2015 and November 30, 2015, Mr. Con-Ui, through counsel, stated that in exchange for the Government withdrawing its intention to seek the death penalty, he was prepared to plead guilty to all charges, waive all appellate remedies, and consent to a life-without-release sentence under conditions of confinement to be determined by the Federal Bureau of Prisons.

In a memorandum requesting withdrawal of the death penalty, submitted to the United States Attorney for the Middle District of Pennsylvania, dated October 14, 2016, Mr. Con-Ui's counsel reiterated the defendant's offer to plead guilty to all charges and waive all appellate remedies in exchange for the Government agreeing to a sentence of lifetime imprisonment without release.

The offer by the defendant to plead guilty was rejected by the Office of then Attorney General Loretta Lynch, U.S. Department of Justice.

FOR THE GOVERNMENT: 
FRANCIS P. SEMPA

FOR THE DEFENSE: 
KAREN A. SMETZ




ROBERT O'HARA


ROBERT J. FEITEL


MARK F. FLEMING


DAVID A. RUZINSKI


DIANE FORAN

Dated: June 28, 2017
Scranton, PA

Risk factors

Dr. Craig Haney Social Psychologist

- The role of risk factors
- Department of Justice leading research role
- “Adverse childhood experiences”
- Poverty
- Domestic violence
- Unstable home
- Absent father figure
- Early incarceration
- Problems unaddressed
- Death of sibling
- Family conflict
- Financial instability
- Long term incarceration
- Lack of rehabilitation

A life history

- Birth to age 9, Philippines:
 - Tondo and Jaime Boado
 - “Daddy Jim” Geiser and 360 Pampanga St., Angeles City
 - Gary Sliney marries Tess
- Age 9 to 16, upstate New York
- Age 16, Arizona
- Age 19, first incarceration
- Age 26, second and final incarceration

The Philippines

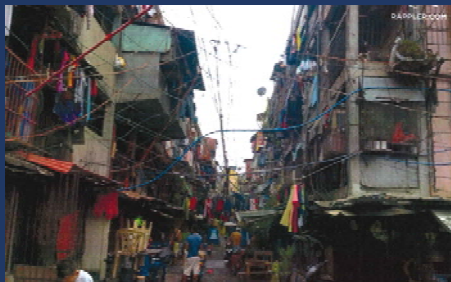
Paulina and "Daddy Jim"



Uncles



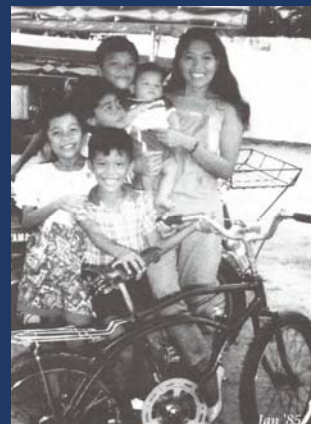
Tondo, Manila



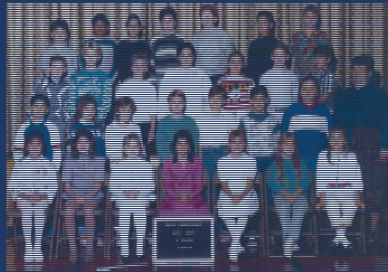
Tondo



The Philippines



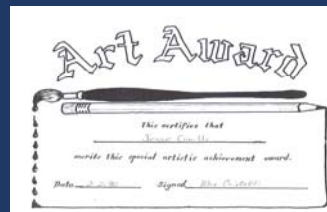
December 1986
Rome, NY



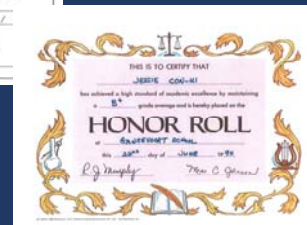
Rome, NY



Initially does well



MR. R. MURPHY'S CLASS		
PETER CATALDO	BEST ALL AROUND	KHITZAKHONK EDOVINKISARAY
CHRISTOPHER BELK	MOST LIKELY TO SUCCEED	CASSIE SMITH
PETER CATALDO	MOST LIKEABLE	RACHEL LINCX
CHRISTOPHER BELK	HARDEST WORKER	CASSIE SMITH
ERIC DECHANO	MOST DRAMATIC	CHRISTINE MINER
GARY HABA	MOST ATHLETIC	KHITZAKHONK EDOVINKISARAY
MATT MORRISON	CLASS DREAMER	AMY GOGAT
JESSIE CON-4	MOST TALENTED	CASSIE SMITH
JESSIE CON-4	MOST ARTISTIC	CASSIE SMITH





Stressors

- Lose the home in Rome, NY
- Bankruptcy
- Move to base housing in Syracuse
- Jim stays behind
- Increasing family conflict
- Gary "in love" with Maria
- Gary discharged from USAF

Family counselling, Griffus AFB 1991

3 July 91 5- Full family session. Father dominated the session although mother did contribute at times. We discussed father's attempts to get his 10 y.o. daughter's custody: court hearing on 1 Aug. No one admitted being upset at idea of having another person in the household, even though they are crowded. We attempted to discuss Jessie's learning home & mother cried, saying that he keeps threatening to do this. Jessie found it very hard to speak & father accused him of refusing to talk, even as Jessie's tears began. Father suggested the other leave & Jessie could talk with me & I agreed.

19 Aug 91 5- Family session, including Sara & Gary's mother, Susan, & Gary. Maria was upset after Jessie & Sara told her father without permission. She stated she wanted a room by herself again (she is sharing with Sara, who returns to her mother's house, spending extensive & frequent investigations). Maria was in tears and found it hard to speak. When asked, she admitted being afraid of Gary especially when angry. He speaks quite frequently. The family began a problem-solving discussion but could think of no satisfactory solution. Near the end of the session, Susan & Gary seemed to be upset with the family. She asked the kids not, because she would have to leave her mother. Gary interpreted this as meaning she did not love him. Even though the session lasted overtime, there were many feelings unexpressed at the end. Gary asked for a 2 hr session next time.

Detective Hubalik

20 Q. And tell the jury how you were familiar with his
21 step-father and what you know about the relationship between
22 him and Jessie?
23 A. Certainly. One of the reasons I recall Jessie, when I
24 first received a phone call about coming here, was -- there
25 was -- Jessie's father Gary had served in the Air Force. Well,

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1 there was a connection. So I would try to talk to him. Try to
2 get him to wake up, Jessie father's. At least the times I had
3 contact with him, I do not recall a time when he had not been
4 drinking. I know for a -- I know for a fact that it was pretty
5 common that Gary would get upset with Jessie and kick him out
6 of the house. Well, back then he was 14, 15 years old. And it
7 was -- tried to -- you know, tried to talk to Gary, saying you
8 can't be kicking your kid out of the house. You can't lock him
9 out of the house. So I had some interactions with him about
10 that. Trying to get him to wake up, to start being a dad.

11 Q. When Gary kicked Jessie out of the house on these
12 occasions would you sometimes learn or see for yourself where
13 Jessie would go?

14 A. Yeah. It got to be such -- such a frequent occasion that
15 the first thing we would -- I would find out is Jessie was
16 running away -- was, quote, running away. And the
17 conversations would be, Well, was he running away? Did his dad
18 turn him in as a runaway or did his dad kick him out of the
19 house again?

20 There was -- I don't remember the exact address, but

Dr. Haney

But in addition to that, he was verbally abusive. He had been verbally abusive for a very long period of time. He's unapologetic for it. He thinks it's appropriate for you to call your children names to tell them they are not going to amount to anything, to call them stupid if they are stupid as he said to me or if they are acting stupid.

This was going on for a long period of time. It was intensified because Gary was just struggling. He describes himself as really struggling. He's incidentally living still in that same apartment. That's where I interviewed him. And now the conflicts between him and Tess get more intense. Tess has gotten a job, and she is standing up for her kids and getting increasingly upset with the way things are in the household.

Sarah Sliney

9 Q. Okay. Now, you said that at one point Gary would -- Gary
10 you said got physical with you?

11 A. Yes.

12 Q. And you said that he got physical with the other children
13 too?

14 A. Yes.

15 Q. And did you actually see him get physical with the other
16 children?

17 A. Yes. He treated them the same way he treated me. You
18 know, with the hand around the back of the neck. Like when he
19 wanted our attention and we were looking down at the floor, he
20 didn't like that. He would grab our face or grab us, get to
21 your room and shove us upstairs to our room.

22 Q. And you saw him do that with Maria?

23 A. Yes.

24 Q. Is that right?

25 A. Yes.

Sarah Sliney (2)

13 Q. So you did -- you did eventually move to Arizona with the
14 rest of your -- what you consider your siblings?
15 A. Yes.
16 Q. Did Gary treat you with respect?
17 A. Not really.
18 Q. Did he treat you with love?
19 A. No.
20 Q. Did he make you feel valued?
21 A. No. I have very low self-esteem.
22 Q. Did he call you names?
23 A. Yeah.
24 Q. What kind of names would he call you?
25 A. I was called stupid. Slow. Eventually later on he called

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1 me a loser a couple of times.
2 Q. Did he ever compare you to your mother?
3 A. Absolutely.
4 Q. In what kind of way?
5 A. You're just going to -- you're going to be a failure, like
6 your mom.
7 Q. Was he ever physical with you?
8 A. Yes.
9 Q. Was there a particular way Gary had of manhandling his
10 children?
11 A. When he was upset he -- he would grab us by the back of
12 the neck and kind of push us, shove us around the room like rag
13 dolls. He grabbed my hair a couple of times.
14 Q. Did you ever call the police on him?
15 A. Yes.

Jim Con-Ui

11 Q. Eventually you were kicked out of the house?
12 A. Yes, sir.
13 Q. Do you even remember why?
14 A. I don't remember why I was kicked out of the house. All I
15 remember was I was coming home from work, and as soon as I go
16 in the house Gary was yelling at me already for, you know, for
17 whatever reason. Probably for breaking one of his rules. And
18 the thing was, as soon as I got in the house he was pushing me
19 out, you know. We actually had a fight on the sidewalk.
20 And at one point he -- you know, I was -- I was trying to
21 force myself into the house so that, you know, I could I guess
22 try to get some help from my mom, you know, support from my
23 mom. And yeah, he was very physical with me. And he pushed me
24 on top of my car. And after that, you know, I told him, you
25 know, that I would leave. And he said -- he just told me not

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1 to come home. So that's when I left.
2 Q. Now, was that before you joined the Air Force?
3 A. That was before I joined the Air Force, yes, sir.
4 Q. How soon after that did you join the Air Force?
5 A. I would say around six months after that.

Jim and Maria on Gary

Q. Okay. So, six months prior to July of 1996 --

A. **That's correct, sir.**

Q. -- you were kicked out of the house?

A. **Yes.**

Q. From the time you were kicked out of the house by Gary Sliney, have you ever again been in his presence?

A. **No, sir. I've never seen him again.**

Q. From that period, over 20 years ago, have you ever spoken to your step-father?

A. **No. I've never spoken to him since then.**

Q. How old were you when you joined the Air Force?

A. **I was 22 years old.**

11 Q. From that time, 18 to 19, until right now today, how many
12 times have you spoken to Gary?

13 A. **I don't speak to him. I actually ran into him at an**
14 **airport. He was working as a TSA agent at the time. And I**
15 **just said hi to him and I kept it short, brief. I wasn't rude**
16 **to him. I didn't ignore him. I just said hi, and excused**
17 **myself that I had to catch a flight, and I never saw him again.**
18 **And I don't intend to talk to him ever again.**

Two decades of prison

The years in the Arizona Department of Corrections

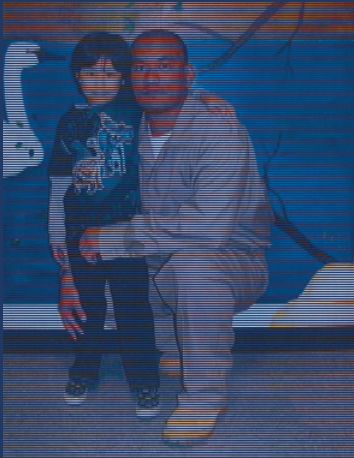
- 18-24
- 7 years for stealing cars
- Solitary confinement
- Dangerous conditions
- No rehabilitation services
- Prisonization
- Worse on release than entry



Arizona DOC



USP/Victorville



Verdict sheet— 61 mitigating factors

Special Verdict Form: COUNT 1

SECTION V. MITIGATING FACTORS

Instructions: In Section V, please indicate in the space provided under each Mitigating Factor the number of jurors who have found the existence of that Mitigating Factor to be proven by a preponderance of the evidence. If no jurors vote that such a Factor has been proven, indicate so by placing a "0" in the space provided.

Δ. The following six Mitigating Factors (Factors 1, 2, 3, 4, 5, and 6) have been established. The Foreperson must enter the number "12" in the space provided as to each of them. Each juror is required to weigh these six Factors in the balance of Aggravating and Mitigating Factors:

1. The alternative to a sentence of death is lifetime incarceration with no possibility of release.
Number of jurors who so find: ____
2. Upon completion of his federal sentence for a drug conviction, Jessie Con-Ui would have been turned over to the State of Arizona to complete a life sentence, for which he was eligible for release on parole after twenty-five (25) years.
Number of jurors who so find: ____
3. At the time of the murder of Officer Williams, Jessie Con-Ui was eligible for release on parole by the State of Arizona in 2031.
Number of jurors who so find: ____

11

Special Verdict Form: COUNT 1

4. Because of his federal conviction for the murder of Officer Williams, Jessie Con-Ui will never be eligible for release.
Number of jurors who so find: ____
5. Parole was abolished in the federal system thirty (30) years ago.
Number of jurors who so find: ____
6. Jessie Con-Ui offered to plead guilty to the murder of Officer Williams, waive all appeals, and submit to a sentence of lifetime imprisonment without release under conditions of confinement to be determined by the Federal Bureau of Prisons.
Number of jurors who so find: ____

Instructions: As to the other alleged Mitigating Factors that are listed below, please indicate which, if any, you find that the defendant has proven by a preponderance of the evidence.

B. Mitigating Factors (continued)

7. The federal conviction for the murder of Officer Williams means that Jessie Con-Ui will be subject to increased punishment, including more severe restrictions on his liberty and the loss of many privileges extended to maximum security prisoners in general population.
Number of jurors who so find: ____

12

Special Verdict Form: COUNT 1	Special Verdict Form: COUNT 1
8. More than two decades of incarceration contributed to Jessie Con-Ui's state of mind on the night he killed Officer Williams. Number of jurors who so find: _____	prison system was poorly administered. Number of jurors who so find: _____
9. At age 17, Jessie Con-Ui had a number of problems that were not addressed by the Arizona Juvenile Justice System. Number of jurors who so find: _____	16. During the years Jessie Con-Ui was there, the Arizona prison system did not provide rehabilitative services. Number of jurors who so find: _____
10. At the time Jessie Con-Ui was in the Arizona Juvenile Justice System, it was under the supervision of the federal courts because of its inadequate and improper treatment of the juveniles under its supervision. Number of jurors who so find: _____	17. Jessie Con-Ui's experiences in the Arizona prison system changed him for the worse. Number of jurors who so find: _____
11. Jessie Con-Ui was not offered any services at the time he left the Arizona Juvenile Justice System. Number of jurors who so find: _____	18. Jessie Con-Ui was exposed to "risk factors" or "adverse childhood experiences" that had a negative effect on the course of his life. Number of jurors who so find: _____
12. The Arizona Juvenile Justice System did nothing to assist Jessie Con-Ui with his problems. Number of jurors who so find: _____	19. As young children, Jessie Con-Ui, Jim Con-Ui and Maria Con-Ui witnessed their father beat their mother. Number of jurors who so find: _____
13. At age 19, Jessie Con-Ui entered the Arizona prison system. Number of jurors who so find: _____	20. Jessie Con-Ui's father, Jaime Boado, abandoned the family when Jessie Con-Ui was 3 years old. Number of jurors who so find: _____
14. The Arizona corrections system was so dangerous and out of control at the time Jessie Con-Ui entered it that a federal court found it could not ensure the safety of its prisoners. Number of jurors who so find: _____	21. After his father left the family, Jessie Con-Ui had no relationship with him. Number of jurors who so find: _____
15. During the years Jessie Con-Ui was there, the Arizona	22. Jessie Con-Ui had a special relationship with his baby brother Ritchie Con-Ui. Number of jurors who so find: _____

Special Verdict Form: COUNT 1	Special Verdict Form: COUNT 1
years old, a family tragedy that deeply saddened him. Number of jurors who so find: _____	their home in Rome, New York and relocated to Syracuse. Number of jurors who so find: _____
24. For the first five years of his life, Jessie Con-Ui lived in poverty in Totodo, a notorious slum in Manila. Number of jurors who so find: _____	32. The move to Syracuse was a difficult transition for Jessie Con-Ui. Number of jurors who so find: _____
25. Jessie Con-Ui was especially close to his grandmother, Paulina, who suffered from lifelong mental illness. Number of jurors who so find: _____	33. Although the family briefly began counseling at this period, there was no follow-up. Number of jurors who so find: _____
26. Jessie Con-Ui and his immediate family moved to Rome, New York in 1987 when he was 9 years old. Number of jurors who so find: _____	34. Gary Sliney punished his children by locking them out of their house. Number of jurors who so find: _____
27. The move to New York cut off Jessie Con-Ui's ties with his extended and loving Filipino family. Number of jurors who so find: _____	35. At approximately age 15, Jessie Con-Ui's life began a downward turn. Number of jurors who so find: _____
28. Because of his Filipino ethnicity, Jessie Con-Ui was subjected to racial slurs in upstate New York. Number of jurors who so find: _____	36. At approximately age 15, Jessie Con-Ui began to use drugs. Number of jurors who so find: _____
29. Despite the difficulties of moving from the Philippines to upstate New York, Jessie Con-Ui initially did well in school and sports. Number of jurors who so find: _____	37. The family's sudden move to Arizona when Jessie Con-Ui was 16 had a negative impact on him. Number of jurors who so find: _____
30. In 8th grade, Jessie Con-Ui was named MVP (most valuable player) on his school's lacrosse team. Number of jurors who so find: _____	38. Because of ongoing difficulties with his step-father, Gary Sliney, Jessie Con-Ui began spending more and more time away from home. Number of jurors who so find: _____
31. Because of family problems, Jessie Con-Ui's family lost	

Special Verdict Form: COUNT I	
39. Jessie Con-Ui has maintained a loving relationship with his family. Number of jurors who so find: _____	49. If Jessie Con-Ui is executed, his brother, Jim Con-Ui, and his family, will suffer grief and loss. Number of jurors who so find: _____
40. Jessie Con-Ui is important to his sons, Jessie Con-Ui, Jr. (age 14) and Jadin Con-Ui (age 13). Number of jurors who so find: _____	50. If Jessie Con-Ui is executed, his brother-in-law, Mark Mask, will suffer grief and loss. Number of jurors who so find: _____
41. Jessie Con-Ui, Jr. and Jadin Con-Ui value the relationship they have with their father. Number of jurors who so find: _____	51. If Jessie Con-Ui is executed, his nieces, Hailey and Hannah, will suffer grief and loss. Number of jurors who so find: _____
42. Jessie Con-Ui and his sons love one another. Number of jurors who so find: _____	52. If Jessie Con-Ui is executed, his step-sister, Sarah Sliney, will suffer grief and loss. Number of jurors who so find: _____
43. Jessie Con-Ui and his mother Teresita ("Tess") Sliney love one another. Number of jurors who so find: _____	53. If Jessie Con-Ui is executed, one or more of his childhood friends and others from Rome, NY including Jane Padron, Brian Evans, Eric Ducharo, Joseph Martin, and Christine Rudd will suffer grief and loss. Number of jurors who so find: _____
44. Jessie Con-Ui and his sister Maria Mask love one another. Number of jurors who so find: _____	54. If Jessie Con-Ui is executed, Virginia Moore, his friend from Tempe, Arizona, will suffer grief and loss. Number of jurors who so find: _____
45. Jessie Con-Ui and his brother Jim Con-Ui love one another. Number of jurors who so find: _____	55. Jessie Con-Ui's execution would have a devastating lifetime impact on his sons. Number of jurors who so find: _____
46. Jessie Con-Ui's extended family and friends in the Philippines love Jessie Con-Ui. Number of jurors who so find: _____	
47. If Jessie Con-Ui is executed, his mother, Tess Sliney, will suffer grief and loss. Number of jurors who so find: _____	
48. If Jessie Con-Ui is executed, his sister, Maria Mask, and	

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Special Verdict Form: COUNT I	
56. Jessie Con-Ui is remorseful for having taken Officer Williams' life. Number of jurors who so find: _____	
57. Jessie Con-Ui is remorseful for the impact his actions have had on Officer Williams' family and loved ones. Number of jurors who so find: _____	
58. Jessie Con-Ui is ashamed of his actions. Number of jurors who so find: _____	
59. Jessie Con-Ui behaved respectfully in court. Number of jurors who so find: _____	
60. Executing Jessie Con-Ui will not undo the harm he has caused the Williams family. Number of jurors who so find: _____	
61. Other factors weigh in favor of a life sentence. Number of jurors who so find: _____	

Instructions: You may consider during your deliberations any other factor or factors in the defendant's background, record, character, or any other circumstances of the offense that mitigate against imposition of a death sentence.

The following extra spaces are provided to write in additional Mitigating Factors, if any, found by one (1) or more jurors. Indicate the number of jurors who find the existence of that Mitigating Factor has been proven by a preponderance of the evidence. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed,

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Family love

Good and decent people

